

SEP - 5 2016

United States District Court

David J. Bradley, Clerk

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Oscar Damian Rodriguez-Barcenas

Case Number: M-16-1649-M

AKA: Oscar Rodriguez-Hernandez

IAE YOB: 1985

the United Mexican States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about September 3, 2016 in Hidalgo County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to the United Mexican States in pursuance of law, and thereafter was found near Hidalgo, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Oscar Damian Rodriguez-Barcenas was encountered by Border Patrol Agents near Hidalgo, Texas on September 3, 2016. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on September 3, 2016, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on May 4, 2009, through Laredo, Texas. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On September 24, 2008, the defendant was convicted of Burglary of Habitation and sentenced to two (2) years confinement.

Continued on the attached sheet and made a part of this complaint:

Sworn to before me and subscribed in my presence,

September 5, 2016

Peter E. Ormsby, U.S. Magistrate Judge
Name and Title of Judicial Officer

☐ Yes ☒ No

Signature of Complainant

Julio C. Pena

Senior Patrol Agent

Signature of Judicial Officer